

DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, DC 20554

JUN 19 2003

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Ahead Communications Systems)	File No. SLD-209892
Middlebury, Connecticut)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER**Adopted: June 13, 2003****Released: June 16, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Ahead Communications Systems (Ahead Communications), Middlebury, Connecticut, seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Prior to the time that Ahead Communications filed its request with the Commission, it also filed an appeal of the same decision with SLD.² The Commission's rules do not contemplate simultaneous appeals of SLD's decisions to the Administrator and the Commission.³ We therefore dismiss without prejudice Ahead Communications' Request for Review to the Commission. Once the Administrator has issued its decision, Ahead Communications may then appeal to the Commission, if it believes such an appeal is warranted at that time.⁴

¹ Letter from Theresa DeNuzzo, Ahead Communications Systems, to Federal Communications Commission, filed April 14, 2003 (Request for Review). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from Theresa DeNuzzo, Ahead Communications Systems, to Schools and Libraries Division, Universal Service Administrative Company, filed April 11, 2003.

³ 47 C.F.R. § 54.720 (when an applicant has an appeal pending with the Administrator, the period to file with the Commission is tolled until the Administrator's review is complete).

⁴ See 47 C.F.R. §§ 54.719 - 54.725 (setting forth rules pertaining to Commission review of the Administrator's decisions).

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed on April 14, 2003, by Ahead Communications Systems, Middlebury, Connecticut, IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Mark G. Seifert", with a stylized flourish at the end.

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau